



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Ridgecrest Field Office
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Ridgecrest, CA 93555
www.blm.gov/ca/ridgecrest

Rand Mountains Management Area Education and Permit Program and Interim ACEC Closure Rescission (DOI-BLM-CA-D05000-2009-14-EA) Decision Record October 2008

1.0 Introduction and Background

The Bureau of Land Management (BLM) has conducted an environmental analysis (EA No. DOI-BLM-CA-D05000-2009-14-EA) for a proposed action to address the education and permit program and ACEC interim route closure rescission in the Rand Mountains Management Area (RMMA) in Kern County. The project would develop an Education and Permit Program (EPP) for the RMMA and open the currently closed routes for recreational use, rescinding the ACEC interim closure. Phase I will last approximately one year, dependent on available staff and funding, beginning November 1, 2008 and focus on outreach and education associated with the issues in the RMMA and require a no-cost permit to operate a motorized vehicle in the RMMA. Phase II will begin at the termination of Phase I and require motorized vehicle operators to complete an education program, take a written test, and purchase a permit.

2.0 Decision

2.1 Alternatives Considered but not Selected

Under the No Action alternative, management would continue the existing interim ACEC closure and not implement an education and permit program for the RMMA. These are inconsistent with the West Mojave Plan amendment to the CDCA Plan and *Environmental Assessment for the interim closure to motorized vehicle use of selected routes within the Western Rand Mountains ACEC* (CA650-02-69).

Alternatives C and D include a seasonal closure and rain closure, respectively, for the R5 and R50 corridor routes defined by the active desert tortoise season, March 1 – October 1.

2.2 Decision and Rationale

My decision is to develop an Education and Permit Program (EPP) for the RMMA and open the currently closed routes for recreational use, rescinding the ACEC interim closure. The EPP will focus on informing motorized vehicle operators about the designated route network, desert tortoise information, threats to the desert tortoise, rules and regulations, areas of critical environmental concern, desert habitat restoration, rider safety, and BLM desert planning in the area. The EPP will be implemented in two phases. Phase I will last approximately one year, dependent on available staff and funding, beginning November 1, 2008 and focus on outreach and education associated with the issues in the RMMA and require a no-cost permit to operate a motorized vehicle in the RMMA. Phase II will begin at the termination of Phase I and require motorized vehicle operators to complete an education

program, take a written test, and purchase a permit. The cost of the permit will be sufficient to cover all the administrative costs associated with the RMMA EPP, including law enforcement, monitoring, maintenance, and administration of the permit program.

My decision is also to rescind the interim closure for the ACEC as directed in the *Environmental Assessment for the interim closure to motorized vehicle use of selected routes within the Western Rand Mountains ACEC* (CA650-02-69) which states: "This protective action would be in effect for approximately two years until the Section 7 consultation on the CDCA Plan amendments resulting from the West Mojave planning effort is completed and decisions are approved for implementation." This decision opens two of the selected closure routes within the ACEC, R5 and R50, which have been completely fenced to create a corridor through the ACEC. If compliance with the rules and regulations and designated route network remains at acceptable levels within the RMMA, BLM will open the other routes included in the interim closure of the ACEC; R40, R15, R35, R25, R37, R12, and R48.

3.0 Consultation and Coordination

BLM Ridgecrest contacted FWS on October 15, 2008 to initiate informal consultation on the proposed action. On October 23, 2008, a letter was submitted to FWS requesting concurrence that further consultation, pursuant to section 7(a)(2) of the Endangered Species Act of 1973, as amended, on the desert tortoise (*Gopherus agassizii*) and its critical habitat, is not necessary.

4.0 Public Involvement

BLM Ridgecrest coordinated with a Technical Review Team (TRT) comprised of Kern County supervisors and members of the CA Desert District Advisory Council (DAC). Input was accepted from members of the local recreational user groups and environmental interests. The TRT was formed on June 24, 2006 at the request of the DAC and met informally through 2007. Official TRT meetings were held on the following dates in 2008: February 20, July 16, September 3, and October 6.

BLM Ridgecrest informed the Agency Steering Committee of the proposed action on September 25th, 2008. The Agency Steering Committee is group of local stakeholders representing the full spectrum of multiple use interests and meets with the BLM on a monthly basis.

BLM Ridgecrest posted information about the RMMA Education and Permit Program on its public web page on October 27, 2008.

A news release regarding the education and permit program and ACEC interim closure rescission was sent to BLM CDD on October 28, 2008.

BLM Ridgecrest posted this EA on its NEPA web page on October 31, 2008.

5.0 Plan Consistency

Based on information in the EA, the project record, and recommendations from BLM specialists, I conclude that this decision is consistent with the 1980 CDCA Plan (as amended), the Endangered Species Act; the Native American Religious Freedom Act; other cultural resource management laws and regulations; Executive Order 12898 regarding Environmental Justice; and Executive Order 13212 regarding potential adverse impacts to energy development, production, supply and/or distribution.

6.0 Administrative Remedies

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1.

If an appeal is taken, your Notice of Appeal must be filed in this office (at the above address) within 30 days from the receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993 or 43 CFR 2804.1) for a Stay of this decision during the time that your appeal is being reviewed by the Board, the Petition for Stay must accompany your Notice of Appeal. A Petition for Stay is required to show sufficient justification based on the standards listed below. Copies of the Notice of Appeal and Petition for Stay must also be submitted to each party named in this decision, to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a Stay, you have the burden of proof to demonstrate that a Stay would be granted.

Standards for Obtaining a Stay

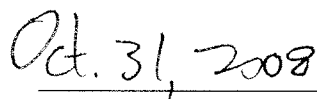
Except as otherwise provided by law and other pertinent regulations, a Petition for a Stay of decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the Stay is granted or denied;
2. The likelihood of the appellant's success on the merits;
3. The likelihood of the immediate and irreparable harm if the Stay is not granted; and
4. Whether the public interest favors granting a Stay.

Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours (7:30 am – 4:00 pm), Monday-Friday, except holidays, and maybe published as part of this environmental assessment. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public review in their entirety.



Hector A. Villalobos
Manager, Ridgecrest Field Office


Date

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL **Within 30 days file *Notice of Appeal* in the office which issued this decision (see 43 CFR Secs. 4.411 and 4.413). You may state your reasons for appealing if you desire.**

2. WHERE TO FILE RIDGECREST FIELD OFFICE
 NOTICE OF APPEAL 300 S. RICHMOND ROAD
 RIDGECREST, CA 93555

 SOLICITOR OFFICE OF THE REGIONAL SOLICITOR
 ALSO COPY TO PACIFIC SOUTHWEST REGION
 2800 COTTAGE WAY, ROOM E-1712
 SACRAMENTO, CA 95825-1890

3. STATEMENT OF REASONS **Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 4015 Wilson Blvd., Arlington, Virginia 22203 (see 43 CFR Sec. 4.412 and 4.413). If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary .**

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 SACRAMENTO, CA 95825-1890

4. ADVERSE PARTIES **Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (see 43 CFR Sec. 4.413). Service will be made upon the Associate Solicitor, Division of Energy and Resources, Washington, D.C. 20240, instead of the Field or Regional Solicitor when appeals are taken from decisions of the Director (WO-100).**

5. PROOF OF SERVICE **Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 4015 Wilson Blvd., Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (see 43 CFR Sec. 4.401(c)(2)).**

Unless these procedures are followed your appeal will be subject to dismissal (see 43 CFR Sec. 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: *A document is not filed until it is actually received in the proper office (see 43 CFR Sec. 4.401(a)).*

SUBPART 1821.2--OFFICE HOURS; TIME AND PLACE FOR FILING

Sec. 1821.2-1 *Office hours of State Offices.* (a) State Offices and the Washington Office of the Bureau of Land Management are open to the public for the filing of documents and inspection of records during the hours specified in this paragraph on Monday through Friday of each week, with the exception of those days where the office may be closed because of a national holiday or Presidential or other administrative order. The hours during which the State Offices and the Washington Office are open to the public for the filing of documents and inspection of records are from 10 a.m. to 4 p. m., standard time or daylight saving time, whichever is in effect at the city in which each office is located.

Sec. 1821.2-2(d) Any document required or permitted to be filed under the regulations of this chapter, which is received in the State Office or the Washington Office, either in the mail or by personal delivery when the office is not open to the public shall be deemed to be filed as of the day and hour the office next opens to the public.

(e) Any document required by law, regulation, or decision to be filed within a stated period, the last day of which falls on a day the State Office or the Washington Office is officially closed, shall be deemed to be timely filed if it is received in the appropriate office on the next day the office is open to the public.